

HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 8020 OF 2017

ORDER:

Heard learned counsel appearing for petitioner and the learned Government Pleader for Civil Supplies, appearing for respondents.

2. An order of suspension of Fair Price Shop authorization of the petitioner for Shop No. 18 of Mittasomapuram Village, Nandavaram Mandal, Kurnool District, passed by the Revenue Divisional Officer, Kurnool, is under challenge in the present Writ Petition.

3. Followed by a report submitted by the Deputy Tahsildar (CS), Yemmiganur dated 17.1.2017, pointing out certain variations in the stocks, the Revenue Divisional Officer, Kurnool, issued a show cause notice in Rc .M.349/2017, dated 27.1.2017, framing as many as three charges against the petitioner herein, touching the stocks of rice, kerosene and the alleged distribution from the house of the petitioner. In response to the said show cause notice and the charges contained therein, the

petitioner herein, submitted an explanation on 3.2.2017, charge wise. The Revenue Divisional Officer – third respondent herein, vide order under challenge dated 20.2.2017, suspended the authorization of the petitioner herein, pending inquiry.

4. According to the learned counsel for the petitioner, the order of suspension, in the facts and circumstances of the case, is unwarranted, highly arbitrary, illegal and opposed the very spirit and object of the Control Order, 2008. It is further submitted by the learned counsel that the report of the Deputy Tahsildar under Section 6-A of the Essential Commodities Act, 1955, cannot be the sole basis for suspending the authorization and having called for the explanation, the Revenue Divisional Officer without considering the same, in a mechanical way passed the order of suspension.

5. On the contrary, it is submitted by the learned Government Pleader that there is no illegality nor there exists any procedural infirmity in the impugned action. It is further submitted by the learned Government Pleader that

the petitioner herein needs to face the enquiry under the Control Order.

6. A perusal of the material available before this Court, clearly discloses that in response to the show cause notice issued by the Revenue Divisional Officer dated 24.1.2017, the petitioner herein submitted explanation on 3.2.2017 denying the charges.

7. A reading of the order under challenge clearly discloses that the Revenue Divisional Officer did not consider the contents of the explanation submitted by the petitioner and the same is unreasonable.

8. Having heard the learned counsel appearing for the petitioner, this Court is of the considered opinion that ends of justice would be served, if the respondents are directed to proceed with the enquiry and conclude the same within a time frame while directing the petitioner to lift the stock in the meanwhile.

9. For the aforesaid reasons, this Writ Petition is disposed of directing the Revenue Divisional Officer, Adoni to complete the inquiry and pass final orders pursuant to the show cause notice dated 20.02.2017, by taking into

consideration the explanation offered, after giving notice and an opportunity of hearing of the petitioner, within a period of two months from the date of receipt of a copy of this order. Pending such exercise, the impugned order of suspension dated 20.02.2017 shall stand suspended and the petitioner is entitled to lift the stock. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall also stand closed.



JUSTICE A.V. SESA SAI

DATE: 10.03.2017
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